

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re: Laura M. Jones

Chapter 13

Debtor(s)

Case No. 09-14499-SSM

**DEBTOR'S MOTION SHOW CAUSE WHY CAPITAL ONE SHOULD NOT BE
HELD IN CONTEMPT FOR VIOLATION OF THE CONFIRMATION ORDER**

NOW COMES Laura M. Jones, Debtors, by and through her attorney, and in support of her Motion to Show Cause Why Capital One Should Not Be Held in Contempt for Violation of the Confirmation Order states as follows:

1. Debtor filed for relief under Chapter 13 on June 4, 2009.
2. Debtor listed Capital One on Schedule F in her bankruptcy schedules and the Court sent notice of the bankruptcy to Capital One by regular U.S. mail on June 7, 2009, at:

Capital One
P.O. Box 71083
Charlotte, NC 28272-1083

3. Debtor filed her Amended Chapter 13 Plan on November 17, 2009, and this plan was served by the debtor's attorney by regular U.S. Mail Capital One on November 17, 2009, at:

Capital One
P.O. Box 93016
Long Beach, CA 90809

and

Capital One
P.O. Box 71083

Charlotte, NC 28272

4. Debtor's plan was confirmed on January 15, 2010.
5. Paragraph 11D of the confirmed plan states:

If a creditor reports to the consumer reporting agencies the receipt and timeliness of the payments on any debt dealt with in this plan, then the claim as altered by the confirmed plan, rather than the original loan agreement, should form the basis for the report.
6. Capital One filed a proof of claim in the debtor's bankruptcy, claim number 6 in the Court register, in the amount of \$2,997.28. To date, the Chapter 13 Trustee has paid \$86.93 on this claim.
7. Laura Jones' Experian credit report, dated April 14, 2011, reports that the status of the debt to Capital One is, "*Petition for Chapter 13 Bankruptcy. \$2,786 written off. \$2,997 past due as of Apr 2011*".
8. Capital One is in direct violation of the confirmed plan by continuing to report this debt inaccurately written off and past due.

Wherefore, debtor asks that the court hold Capital One in contempt for violation of the confirmation order and for any and other relief this Court deems equitable and just.

Date: May 25, 2011

/s/ Robert R. Weed
Robert R. Weed VSB #24646
Counsel for Debtor
7900 Sudley Road, Suite 409
Manassas, Virginia 20109
Tel: (703) 335-7793 / Fax: (703) 369-2696

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2011, I mailed a copy of the foregoing Motion to Show Cause Why Capital One Should Not Be Held in Contempt for Violation of the Confirmation Order and Notice of Hearing by placing the same in the US Mail, first class, certified, postage prepaid to the interested parties listed below:

Capital One
P.O. Box 93016
Long Beach, CA 90809

Capital One
P.O. Box 71083
Charlotte, NC 28272

Capital One
P.O. Box 30281
Salt Lake City, UT 84130

Capital One
c/o Richard D. Fairbank, Chairman and CEO
1680 Capital One Drive
McLean, Virginia 22102

Capital One
c/o Stacy Suire
TDM service provider for Capital One
P.O. Box 5155
Norcross, GA 30091

/s/ Robert R. Weed
Robert R. Weed